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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/070,831

Applicant(s)

DAN ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10 and 41-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 10 and 41-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/6/2004 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by David, (U.S. Pat # 6,810,503).

Considering claims 10, the amended claimed method for programmatic generation of continuous multimedia presentations by a station capable of receiving at least one presentation and a plurality of sensed events, (see col. 3, lines 31-65) the method comprising:

‘maintaining a library of rules’, reads on the discussion in Davis of the list of parameters that are tested for a presentation sequence, including; time, loop, interval tiebreak and drop threshold (see Fig. 2 & col. 7, lines 45-58). These parameters are received as JavaScript syntax and are referred to as the sequencer control, which may be stored in system memory 22, at a subscriber computer (col. 6, lines 19-21).

‘receiving at least one presentation’ is met by the VBScript sequencer control sequence 350 that defines a set of sequence control commands within a web page, col. 8, lines 5-11 & Fig 3.

‘selecting at least one event, wherein events control which rules in the library are applied to the presentation, and testing each rule in the library for each selected event to determine which rules will be applied to the presentation’, is met by the disclosure in David (co. 8, lines 1-22) of sequences 355, 360 & 365, for instance, all of which test the rules, i.e., parameters discussed above, namely; time, loop, interval, tiebreak and drop threshold. As an example David teaches

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that the event1 is invoked 1.5 seconds after the start of the of the sequence timeline set1, the event is repeated 17 times, at .300 second intervals has a tiebreak priority of 3 and a drop threshold of 1.000 seconds.

‘applying each rule that positively responded to the testing step to the at least one presentation top modify the at least one presentation’ is met by the application of the parameter values for each sequence event in order to display the objects according to the sequence control, see col. 7, lines 21-45.

4. Claims 41-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiels, (U.S. Pat # 6,260,194).

Considering claims 41, 49 & 55, the claimed method of modifying previously generated presentation documents comprising:

‘creating a set of rules based on user input’, is met by the disclosure of Shiels that the user input controls the presentation of a movie, (Abstract; col. 1, lines 41-58; col. 3, lines 24-35 & col. 8, lines 1-28).

‘selecting a previously generated document to be modified’ is met by the narrative video programs delivered to the STB, col. 4, lines 1-35.

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‘automatically modifying, without user intervention, the previously generated document based on the rules to produced a modified presentation and outputting the presentation’ is met by the operation of Shiels, col. 2, lines 1-25; col. 6, lines 1-64; col. 7, lines 7-56 & col. 8, lines 1-28.

Regarding claim 55, the claimed feature of selecting at least two previously generated documents to be combined is met by the discussion in Shiels of handling compound images, for instance taking a video sprite and overlaying it on a locally generated background image, col. 5, lines 45-55.

Considering claims 42-45 & 50-51, Shiels teaches that the changes to the document includes changing the content, temporal order of sections, spatial layout and attributes, see col. Fig. 6-Fig. 10, col. 1, lines 41-58; col. 5, lines 30-55.

Considering claims 46-48, 52-54 & 58-61, Shiels teaches that the presentation documents may be audio, video or a still from a screen, which reads on static documents, col. 3, lines 52-56; col. 4, lines 1-15; col. 9, lines 25-48.

Considering claims 56-57, the claimed subject matter is broad enough to read on the discussion in Shiels of overlaying video sprite on a background image, col. 5, lines 50-55. As for

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the feature of interleaving, Shiels also discloses that video streams may be seamlessly joined, col. 6, lines 1-30.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Iggulden Teaches joining segments of documents based upon triggers.

B) Graves Teaches filtering through an EPG based on a user's selection of content criteria, such that the content criteria is represented by category codes embedded in the TV programs.

C) Gerba Teaches manipulating actionable data based upon a user input.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

(703) 746-6861 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9306 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
**REUBEN M. BROWN**  
**EXAMINER**